

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ISRAEL MARCOLINO SCHAFFNER, an Individual, : Civil Action No. 19-cv-005298
Plaintiff, :
vs. :
DIAMOND RESORTS HOLDINGS, LLC, a Nevada :
limited liability company; DIAMOND RESORTS :
INTERNATIONAL INC., a Delaware corporation; :
DIAMOND RESORTS U.S. COLLECTION, L.L.C., :
a Delaware limited liability company; DIAMOND :
RESORTS INTERNATIONAL MARKETING, INC., :
a California corporation; DIAMOND RESORTS :
INTERNATIONAL CLUB, INC., a Florida :
corporation; DIAMOND RESORTS :
MANAGEMENT, INC., an Arizona corporation; :
DIAMOND RESORTS U.S. COLLECTION :
MEMBERS ASSOCIATION, a Delaware corporation; :
DIAMOND RESORTS DEVELOPER & SALES :
HOLDINGS COMPANY, a Delaware company; :
DIAMOND RESORTS FINANCIAL SERVICES, :
INC., a California corporation; and DOES 1 through :
100, Inclusive, (collectively, "Apollo"); MICHAEL :
FLASKEY; KENNETH SIEGEL; VITOR MENNA :
BARRETO a Diamond Resorts International, Inc. :
Shareholder, :
Defendants. :
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NOTICE OF MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT

PLEASE TAKE NOTICE that, upon the Amended Complaint in this action, the accompanying memorandum of law, and all prior pleadings and proceedings, defendants Diamond Resorts Holdings, LLC, Diamond Resorts International, Inc., Diamond Resorts U.S. Collection Development, LLC¹, Diamond Resorts International Marketing, Inc., Diamond Resorts International Club, Inc., Diamond Resorts Management, Inc., Diamond Resorts Developer & Sales Holdings Company; Diamond Resorts Financial Services, Inc., Michael Flaskey and Kenneth

¹ Incorrectly named "Diamond Resorts U.S. Collection, L.L.C." in the caption.

Siegel (collectively, "Diamond") will move this Court, before the Honorable Ann M, Donnelly U.S.D.J., at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201 for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's Amended Complaint in its entirety and with prejudice, and granting such other and further relief as the Court deems just and proper.

Dated: September 24, 2019

Respectfully submitted,

BALLARD SPAHR LLP

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